

### REMARKS

Claims 22-41 were pending in this application. Claims 24-31, 38 and 39 have been cancelled. Claims 22, 23, 32, 33, 37, 40, and 41 have been amended. New claims 42-51 have been added.

Claim 22 has been amended to add the steps of forwarding the information regarding identity of the mobile unit and position indication to a receiver when the second party activates the use of the service, and locating the mobile unit as a response to the received information by the receiver. Support for this amendment may be found in the discussion of FIGS. 3 and 4 in the specification. In the respective embodiments shown in FIGS. 3 and 4, the second party activates a service (automatically or manually) to locate the position of the mobile unit 16 by forwarding information to a receiver (alarm service), and the receiver locates (track) the mobile unit 16 in response to the received information (*See* paragraphs [0036] and [0038]-[0041]). Claim 23 has been amended to include the limitations of now-cancelled claim 24. Claim 32 has been amended to include the limitations of original claim 11 and to depend from claim 22. Claim 33 has been amended to depend from claim 22.

Claim 37 has been amended to clarify the original claimed subject matter. Specifically, claim 37 has been amended to claim the means for carrying out the method set forth in amended independent claim 22. Claim 37 is now directed to a system having means for debiting the charge from an account associated with the mobile unit and the second party; means for forwarding the information regarding identity of the mobile unit and position indication to a receiver when the second party activates the use of the service, and means for locating the mobile unit as a response to the received information by the receiver. Claim 40 is now directed to the system set forth in claim 37 being a personal alarm service using the mobile unit. Claim 41 is now directed to the system set forth in claim 37 being a tracking service using the mobile unit.

New claim 42 clarifies that the step of locating comprises the step of presenting the information from the mobile unit on an Internet home page. Support for this may be found in paragraph [0037]. New claim 43 requires that the personal alarm service is activated by not pushing the alarm button at predetermined intervals. Support for this may be found in paragraph [0035]. New claim 44 requires that an owner of the toll number and the receiver are the same party. Support for this may be found in paragraph [0036]. New claim 45 mirrors the limitations of method claim 23. New claim 46 mirrors the limitations of new

method claim 42. New claim 47 mirrors the limitations of method claim 43. New claim 48 mirrors the limitations of method claim 44. New claim 49 is directed to a system of claim 37 and 41 further configured to perform the method set forth in previously presented claim 34. New claim 50 is directed to a system of claim 37 and 41 further configured to perform the method set forth in previously presented claim 35. New claim 51 is directed to a system of claim 37 and 41 further configured to perform the method set forth in previously presented claim 36.

No new subject matter is believed to have been added by any of the new or amended claims. Claims 22-23, 32-37, and 40-51 now remain in this application.

Claims 22, 24, 31, 32, and 37 stand rejected under 35 U.S.C. § 102(e) for anticipation by U.S. Patent Application Publication No. 2003/0115095 to Yamauchi. The Examiner equates the gates (*See* FIG. 1) of the Yamauchi publication to the claimed cell (towers) of the present invention. The Yamauchi system requires gates to identify mobile units, whereas the claimed invention utilizes an existing communications infrastructure.

In any case, Applicant has further amended independent claims 22 and 37 to further define over the Yamauchi publication. Specifically, claim 22 now requires forwarding the information regarding identity of the mobile unit and position indication to a receiver when the second party activates the use of the service, as well as locating the mobile unit as a response to the received information by the receiver. Claims 37 has been similarly amended in the context of the claimed system. Additionally, claim 37 requires the system to include means for debiting the charge from an account associated with the mobile unit and the second party. These limitations are not disclosed, taught, or suggested by the Yamauchi publication. Accordingly, Applicant believes that the subject matter of amended independent claims 22 and 37 is patentable over the cited prior art.

Claim 23 (containing the limitations of now-cancelled claim 24) is separately patentable over the Yamauchi publication. Claim 23 requires that the signal that is sent from the mobile unit be an SMS message. The Yamauchi publication fails to disclose that the type of signal or data contained therein is any particular signal or data, SMS or otherwise. It is apparent that the Examiner equates the claimed SMS message to the email transmitted to/from the cell phone of the Yamauchi system. However, the signal (i.e., SMS message), as set forth in claim 22, contains identity and position information. In contrast the email sent in the Yamauchi system is for purposes of verifying and acknowledging payment of the toll and

toll ratio (if toll is to be split among multiple parties) and not for purposes of indicating that the cell phone is entering or leaving the tollway (*See* paragraphs [0049], [0053], [0071] of the Yamauchi publication).

Dependent claim 32 (now depending from claim 22) is separately patentable over the Yamauchi publication. Contrary to the Examiner's assertion, the Yamauchi publication fails to disclose a service that is a personal alarm service. In any case, Applicant has amended claim 32 to require that the service be activated by pushing an alarm button, which is also not disclosed in the Yamauchi publication. Amended claim 40 mirrors this limitation in the context of the claimed system.

The remaining dependent claims 33-36, 40 and 41 are rejected under 35 U.S.C. § 103(a) for obviousness over the Yamauchi publication in view of one or more various other references. In light of the aforementioned amendments and arguments made with respect to the anticipation rejections under the Yamauchi publication, Applicant respectfully requests that the Examiner withdraw the obviousness rejections of these claims.

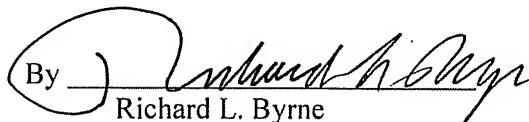
New claims 42-51 add further limitations to the claimed method and system and are believed to be patentable for the same reasons as independent claims 22 and 37.

#### **CONCLUSION**

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 22-23, 32-37, and 40-51 are respectfully requested.

Respectfully submitted,

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